IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 2ND MARCH 2007 / 11TH PHALGUNA 1928

Bail Appl..No. 995 of 2007()

CMP.12467/2006 of J.M.F.C.-I,KOTTARAKKARA
CRIME NO.880/2006 OF KOTTARAKARA POLICE STATION

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: PETITIONER/ACCUSED

BABU, S/O.YOHANNAN,
KALANGUMVILA VEEDU, NELLIKUNNAM MURI,
UMMANNOOR VILLAGE, KOTTARAKARA.

BY ADV. SRI.K.V.ANIL KUMAR

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 995 OF 2007

Dated this the 2nd day of March, 2007

O R D E R

In this Petition filed under Sec. 439 Cr.P.C. the petitioner, who is the accused in Crime No.880/2006 of Kottarakkara Police Station for offences punishable under Secs.392, 397 and 302 I.P.C., seeks his enlargement on bail.

2. The case of the prosecution is that while one Varghese, a vegetable vendor, was returning home with the collections of the day, he was assaulted and robbed of cash worth Rs.3,500/- and forcibly attacked with an iron bar and was pushed into the nearby thodu, at about 8.30 p.m. on 28.7.2006. The petitioner was arrested on 2.12.2006.

3. The learned Public Prosecutor, on instructions, submitted that no final report has been filed even after 90 days of judicial custody of the petitioner. If so, by virtue of the proviso to sec.167(2) Cr.P.C. the petitioner is entitled to be released on bail as of right.

4. Accordingly, the petitioner is directed to be released on bail on his executing a bond for Rs.20,000/- (Rupees twenty thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M.-I, Kottarakkara and subject to the following conditions:

a. Petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

b. Petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

c. The petitioner shall make himself available for interrogation as and when required by the investigating officer.

d. Petitioner shall not commit any offence while on bail.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

(V. RAMKUMAR, JUDGE)

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